

REMARKS/ARGUMENTS

Claims 1 and 3-15 are pending. In light of the amendment and following remarks, Applicant believe the pending claims are allowable.

Claims 1 and 2-15 were rejected under 35 USC § 102(e) as allegedly being anticipated by U.S. Publication 2004/0063162, published April 1, 2004 by Dunlay et al. (hereinafter "Dunlay"). For the following reasons, Applicant respectfully traverses the rejection.

The claims have been clarified to state that the driving force applied to a fluid in a well drives the fluid along a channel in the microfluidic device (see, e.g., page 8, lines 15 et seq. and FIG. 1). Although it is not believed that Dunlay applies a driving force to a fluid in a well at all, this amendment clarifies that the claimed steps specify a driving force to be applied to the fluid to drive the fluid along a channel.

Dunlay describes systems and methods that can use microtiter plates including wells numbering 96, 384 or some other number. Each of the sections cited in Dunlay as disclosing the above features are directed to either filling the wells or moving the plates. For example, paragraph 0144 is cited, which refers to filling the wells with a pipette (see also paragraph 0138). Paragraph 0076 discusses moving the plate in relation to the system (see also paragraphs 0077 and 0139-0140). FIG. 11 is also cited which shows filling the wells at step 305 and moving or loading the plate at step 303.

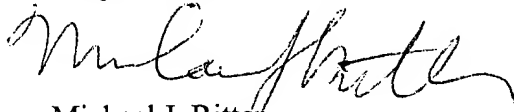
Dunlay has not been shown to disclose a sequence of steps that specify a driving force to be applied to a fluid in a well in order to drive the fluid along a channel in the microfluidic device and a duration for applying the driving force as recited in claim 1. Accordingly, the reference does not support a prima face case of anticipation and since all the pending claims have similar features, the pending claims are patentably distinct for at least the same reasons.

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Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Ritter", written in a cursive style.

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